

July 19, 2018

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13M-2 (2018)
ROSS RUNFOLA JR. “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - b. COMM. 14D-3 (2018)
ENVIRONMENT & PLANNING “State Environmental Quality Review - Solicitation for Lead Agency Status Unlisted Action”
(Chair’s ruling)
 - c. COMM. 14M-1 (2018)
DAVID KARB “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - d. COMM. 14M-8 (2018)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION “Brownfield Cleanup Program - Public Comment Period Announcement”
(Chair’s ruling)
2. COMM. 10E-34 (2018)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Department of Parks, Recreation and Forestry was recently compelled to close the Ellicott Creek Park Pedestrian Bridge due to hazardous conditions affecting public safety; and

WHEREAS, the Department of Parks and Department of Public Works mutually seek to successfully implement the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project; and

WHEREAS, CHA Consulting Inc., under a current Term Agreement, has the necessary experience and staff to perform design and construction phase engineering services; and

WHEREAS, public letting of construction is anticipated to occur during Legislative recess, and advance award would hasten the project during the short construction season; and

WHEREAS, the design, construction, construction administration and inspection, and project contingency for the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project is estimated at \$348,000.

NOW, THEREFORE, BE IT

RESOLVED, that the CHA Consulting, Inc. On Call/As Directed Engineering Services Term Agreement be amended to provide design and construction phase engineering services for the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project; and be it further

RESOLVED, that the Project, upon public let, be awarded to the lowest, responsible bidder; and be it further

RESOLVED, that the Erie County Executive is authorized to execute the Amendment with CHA Consulting, Inc., the Construction Agreement with the lowest responsible bidder, and any Change Orders related to the Project through an established Project contingency in an total Project amount not to exceed \$348,000; and be it further

RESOLVED, that the Project funding, in the amount of \$348,000, be made available from Funds Center 164, Fund 410, Project A.17012, 2017 Countywide Parks Improvements in the amount of \$48,000 and Funds Center 123, Fund 420, Project B.18024, 2018 Ellicott Creek Park Pedestrian Bridge in the amount of \$300,000; and be it further

RESOLVED, that the Clerk of the Legislature shall forward (2) certified copies each of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Parks, Recreation and Forestry; the Commissioner of the Department of Public Works; and the Erie County Attorney’s Office.
(5-0)

3. COMM. 14E-19 (2018)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) plays a crucial role working with the two local solid waste boards (Boards), local municipalities, and the County on waste reduction and recycling; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is requiring that the County’s two solid waste management boards have updated plans submitted in 2019; and

WHEREAS, DEP has received a municipal waste and reduction contract from the NYSDEC (COMM. 19E-10) which includes the scope of work to be performed by the DEP, updating the Local Solid Waste Management Plan (LSWMP) of both boards, the Northeast Southtowns and Northwest Solid Waste Management Boards; and

WHEREAS, as part of its NYSDEC Waste Reduction and Recycling Coordination Program budget, the DEP has adequate funds available under the Professional Services budget line; and

WHEREAS, it is necessary to revise the existing budget and create two Intern Seasonal positions in accordance with the current work plan and contractual requirements of the granting agency; and

WHEREAS, the granting agency, NYSDEC, has agreed to the budget revision allowing for the funding of the seasonal employee positions using funds that fall under the municipal waste and reduction contract from the NYSDEC (COMM. 19E-10).

NOW, THEREFORE, BE IT

RESOLVED, that the previously amended grant budget for the NYSDEC Waste Reduction & Recycling Coordination Grant is hereby revised in the DEP, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling Coordination Grant (Grant Period: 10/1/2016 – 9/30/2019),
SAP Grant Account #162WRRCG1619

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue	\$ 60,750
409000	State Aid Revenue	\$ 268,521
479000	County Share Contribution	\$ 20,100

TOTAL REVENUE \$ 349,371

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time – Salaries	\$158,974	\$ 0	\$158,974
500030	Seasonal – Wages	\$ 0	\$ 12,000	\$ 12,000
502000	Fringe Benefits	\$130,272	\$ 3,000	\$133,272
505000	Office Supplies	\$ 525	\$ 0	\$ 525

510100	Out of Area Travel	\$ 8,550	\$ 0	\$ 8,550
510200	Training	\$ 1,150	\$ 0	\$ 1,150
516020	Professional Services	\$ 43,250	\$(15,000)	\$ 28,250
530000	Other (Promotional)	\$ 6,000	\$ 0	\$ 6,000
545000	Rental Charges	\$ 650	\$ 0	\$ 650
TOTAL APPROPRIATIONS		\$349,371	\$ 0	\$349,371

and be it further

RESOLVED, that the following positions, for which sufficient funding exists in the NYSDEC grant for personal services and fringe benefits, will be created in the above grant:

(2) Intern Seasonal (JG-01)
B-100 #10382.
Budgeted Annual Salary and Fringe: \$15,000

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Paul Kranz, P.E., Associate Engineer.
(5-0)

4. COMM. 14E-22 (2018)
COUNTY EXECUTIVE
WHEREAS, Erie County desires to improve water quality at Big Sister Creek and Bennett Beach; and

WHEREAS, Erie County Department of Environment and Planning (DEP) was awarded a \$25,000 grant from Stony Brook University (SBU) to conduct the Big Sister Feasibility Study and Design Project (SAP Grant 162BSFSADP1718); and

WHEREAS, the County executed a contract with SBU in 2017 for the project with a term of March 1, 2017 through May 31, 2018 as authorized in 2017 by Comm. 2E-21; and

WHEREAS, the County executed a no-cost extension to the contract with SBU in 2018 to extend the project until December 31, 2018 as authorized in 2018 by Comm. 7E-46; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform the Big Sister Creek Constructed Wetland Feasibility and Design Study (hereafter, “the Study”); and

WHEREAS, Erie County assembled a Proposal Selection Committee, which has conducted a review and selection process for the proposals that have been received to conduct the Study; and

WHEREAS, the Proposal Selection Committee has selected Ecology and Environment, Inc. to perform the Study; and

WHEREAS, the Study will develop preliminary designs and assess feasibility for mitigation measures that would address identified water quality issues at Big Sister Creek and Bennett Beach; and

WHEREAS, no County funds will be necessary for Erie County conduct the Study.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie and the County Executive or Deputy County Executive, is authorized to enter into agreements with Ecology and Environment, Inc. for an amount not to exceed \$25,000 to perform the Big Sister Creek Constructed Wetland Feasibility and Design Study; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Peter J. Wilson, Coordinator – Pollution Prevention Program.

(5-0)

5. COMM. 14E-30 (2018)

COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to continue the construction of the Shoreline Trail, a system of interconnected bicycle and pedestrian multi-use trails along Lake Erie and the Niagara River; and

WHEREAS, the County is supportive of Phase 4 of the Evans Shoreline Trail – the Evans Town Park to Point Breeze phase; and

WHEREAS, the Town of Evans is also supportive of the Evans Shoreline Trail Phase 4 project and desires to apply for grant funding from the New York State Department of Transportation (NYSDOT), Transportation Alternatives Program (TAP) to design and construct Evans Shoreline Trail – Phase 4; and

WHEREAS, the Town of Evans if successful has agreed to provide the 20% match required for the grant; and

WHEREAS, the desired location of the proposed Evans Shoreline Trail – Phase 4 is within the right-of-way of the County Highway, Old Lakeshore Road; and

WHEREAS, the NYSDOT TAP grant requires an agreement between Erie County and the Town of Evans authorizing the usage of the County right-of-way for this purpose; and

WHEREAS, said agreement will authorize the Town of Evans to apply for the TAP grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to enter into all documents and agreements with the Town of Evans related to the authorization of the Evans Shoreline Trail Phase 4 TAP application, authorization of this activity within the Old Lakeshore Road County right-of-way, and implementation and management of the Evans Shoreline Trail Phase 4 project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Public Works; the Commissioner of the Department of Environment and Planning; the County Attorney; and the Supervisor of the Town of Evans.
(5-0)

6. COMM. 14E-39 (2018)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and conduct work towards the creation of a Regional Niagara River Lake Erie Watershed Management Plan Phase 2; and

WHEREAS, the New York State Department of State (NYS DOS) provides grant assistance to municipalities to prepare watershed revitalization plans; and

WHEREAS, the NYS DOS awarded Erie County a \$507,830 grant SAP # 162RNRLEWMP1417 to complete the “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” project; and

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract through June 30, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to extend the “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” contract for one year (July 1, 2018 – June 30, 2019); and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning, Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Peter J. Wilson, Coordinator – Pollution Prevention Program.

(5-0)

JOHN BRUSO
CHAIR